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#11/1/05



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David H. Davies; David L. Blankenbeckler; Michael Braitberg  
Assignee: DPHI Acquisitions, Inc.  
Title: First-side Dual Layer Optical Data Storage Disk and Method of Manufacturing the Same  
Application No.: 09/764,042 Filing Date: 01/16/2001  
Examiner: Krynski Group Art Unit: 2651  
Docket No.: M-9998 US

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Irvine, California  
September 9, 2003

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.56**

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

***Enclosed with this statement are the following:***

- ☒ Form PTO-1449 (*Substitute*). The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of each cited document as required by 37 C.F.R. §1.98 (*except where otherwise indicated for a specific citation*).

Complete copies are not submitted of U.S. applications per 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed per 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written

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English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

*This statement should be considered because:*

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of a first Office action *on the merits*,  
-- OR --
- (4) It is being filed before the mailing date of a first Office action *after the filing of an RCE*

whichever occurs last.

☒ Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance or another action closing prosecution (whichever occurs first)

-- AND (check at least one of the following) --

- ☒ (1) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p)  
-- OR --
- ☐ (2) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e)

☐ Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (2) It is accompanied by a STATEMENT TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);  
-- AND --
- (3) It is accompanied by the fee set forth in 37 C.F.R. §1.17(p);  
-- AND --
- (4) The Issue Fee has not been paid prior to the submission.

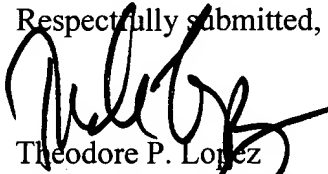
☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the \$180.00 fee required for this Information Disclosure Statement to Deposit Account No. 50-2257. Please charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-2257. A duplicate copy of this authorization is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 9, 2003.

Adriane Giberson  
Adriane Giberson

9/9/03  
Date of Signature

Respectfully submitted,

  
Theodore P. Lopez  
Attorney for Applicants  
Reg. No. 44,881

U.S. Department of Commerce, Patent and Trademark Office					Atty Docket No.		Serial No.	
					M-9998US		09/764,042	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)					Applicant(s)			
					David H. Davies et al.			
					Filing Date		Group	
					01/16/2001		2651	

INFORMATION  
 SEP 12 2003  
 PATENT & TRADEMARK OFFICE

U.S. Patent Documents							
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	4,774,170	09/27/1988	Pan et al.	430	495	
	AB	4,798,785	01/17/1989	Pan et al.	430	495	
	AC	4,812,386	03/14/1989	Pan et al.	430	290	
	AD	5,972,459	10/26/1999	Kawakubo et al.	428	64.1	
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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Foreign Patent Documents							Translation	
		Document	Date	Country	Class	Subclass	Yes	No
	AL	EP 0 945 860	03/25/1999	EP	G11B	7/24	X	
	AM	EP 0 969 452	12/19/1997	EP	G11B	7/00	X	
	AN	JP 03-086943	03/14/1990	Japan	G11B	7/24	X	
	AO	JP 09-198712	01/23/1996	Japan	G11B	7/24	X	
	AP	JP 10106049 [w/Abstract]	09/27/1996	Japan	G11B	7/26	X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)	
AQ	Database WPI, Section PQ, Week 199939, Derwent Publications Ltd., London, GB: Class P73, AN 1999-0464078, XP002204263 and JP 11 195243 A (Sony Corp.) 21 July 1999 (1999-07-21)
AR	
AS	

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Examiner	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

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	AA							
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	AF							
	AG							
	AH							
	AI							
Foreign Patent Documents								
							Translation	
		Document	Date	Country	Class	Subclass	Yes	No
	AJ	JP 2000268417 [w/Abstract]	03/18/1999	Japan	G11B	7/26	X	
	AK	JP 2000285517 [w/Abstract]	03/30/1999	Japan	G11B	07/24	X	
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	AM	WO 00/72312	05/20/1999	PCT	G11B	3/70	X	
	AN	WO 00/79526	06/23/1999	PCT	G11B	7/24	X	
	AO	WO 01/16947 [w/Abstract]	08/31/1999	PCT	G11B	7/004	X	
	AP	WO 01/18802 [w/Abstract]	09/08/1999	PCT	G11B	7/24	X	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
	AQ							
	AR							
	AS							
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